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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

JASON WOLFORD, ALISON WOLFORD,	)	
ATOM KASPRZYCKI, HAWAII	)	
FIREARMS COALITION	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. _____
v.	)	
	)	
ANNE E. LOPEZ, IN HER OFFICIAL	)	
CAPACITY AS THE ATTORNEY	)	
GENERAL OF THE STATE OF HAWAII.	)	
MAUI COUNTY,	)	
	)	
	)	
Defendants	)	
_____	)	

**DECLARATION OF PLAINTIFF ATOM KASPRZYCKI**

**COMES NOW**, Atom Kasprzycki, and states as follows:

1. I am a natural person, an adult male, United States of America citizen, resident of the State of Hawaii, Maui county, and I reside in Lahaina and am competent to provide this declaration. If called as a witness in this matter, I would provide the following testimony and I make this declaration based on personal knowledge, except where otherwise stated;
2. All statements made about me in the complaint in this action are true and accurate;
3. I am a member of the Hawaii firearms Coalition (HIFICO);
4. I am a law abiding citizen;
5. I am not legally prohibited from acquiring, owning, possessing, carrying<sup>1</sup> or lawfully using arms including firearms under current Hawaii and federal law and also under the proposed SB1230 HRS enactments;
6. I own several firearms, lawfully, and I am familiar with firearms and have the following training: NRA Basic Pistol Safety Course, Certificate of

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<sup>1</sup> Except as indicated here specifically with regard not to me, but to the places I intend to carry concealed with a permit and activities I intend to perform but for the enactment of SB1230.

Completion, Concealed Carry Handgun Course, North Carolina, Nebraska Hunter's Education;

7. I have a concealed carry permit issued from the county of Maui in 2022, a redacted copy of which is appended to this declaration, and will renew that one and will obtain another concealed carry permit once SB1230's concealed carry permit laws go into effect in January 2024, and I have been, am and expect to be fully qualified to obtain another concealed carry permit and have not been, am not now, nor do I expect to be disqualified from owning, possessing or carrying arms nor from obtaining a renewed or new concealed carry permit in the state of Hawaii or elsewhere ;
8. I have in the past regularly frequented the following beaches, parking lots and adjacent areas, listed below, and have, as a carry concealed license holder while armed since 2022, and will in the future, own, possess, and carry a firearm with my concealed carry permit. I have every intention and desire to continue to carry my personal firearm in and at all these locations in the future, and places like them, but I will decline to do so because of the credible fear of arrest and prosecution after July 1, 2023, the effective date of SB1230. I intend to and will use my carry concealed permit to carry arms concealed in the locations referenced herein, but for the implementation and enactment of SB1230;

- A) I frequent Kaopala Beach, and the adjacent area and parking lot, across the street from where I live, and I have frequented it about once to six times a month in the past while carrying a concealed weapon and my permit. I will and would continue to frequent this beach, adjacent area and parking lot, in the future armed with a concealed firearm and with my concealed carry permit but for the enactment of SB1230 and the likely criminal prosecution;
  - B) I frequent Kaanapali Beach, and the adjacent area and parking lot, and I have, in the past, frequented this beach about two times a month to go to restaurants for breakfast and or dinner, and or pick up food, and two to four times a year and also to eat, shop and or swim while carrying a concealed weapon and my carry concealed weapon permit. Kaanapali beach is a very populated large beach in front of many resorts. I will and would continue to frequent Kaanapali beach, the adjacent area and parking lot, while armed with a concealed firearm and with my concealed firearm permit but for the enactment of SB1230 and the likely criminal prosecution;
  - C) I frequent Launipoko Beach park, adjacent areas and parking lot, and I have frequented it about once a year and for special occasions in the past while carrying a concealed weapon and my permit. Launipoko Beach park is a very popular and populated beach. I will and would continue to frequent this beach, adjacent areas and parking lot, in the future armed with a concealed firearm and with my concealed carry permit but for the enactment of SB1230 and the likely criminal prosecution;
  - D) I frequent DT Fleming beach/park, adjacent areas and parking lot, and I frequent it two to six times a year for events and swimming and I have, in the past, carried a concealed weapon and my concealed carry permit. I will and would continue to frequent this beach, adjacent areas and parking lot, in the future, armed and with my concealed carry permit, but for the enactment of SB1230 and the likely criminal prosecution. This park has a county or state government lifeguard building on the grounds. DT Fleming is both a beach and a park.
9. I have in the past regularly frequented the following areas which are listed as a “park”, have in the past, as a carry concealed license holder since 2022, carried concealed with my permit in these areas listed

herein, and fully intends to in the future, own, possess, and carry a firearm with my concealed carry permit in these locations. I have every intention and desire to continue to carry my personal firearm in and at all these locations, and locations like them, with a permit, in the future but will decline to do so because of the credible fear of arrest and prosecution after July 1, 2023, the effective date of SB1230;

A) I frequent Launipoko Beach park, adjacent area and parking lot, and I have frequented it about once a year and for special occasions in the past while carrying a concealed weapon and my permit. Launipoko Beach park is a very popular and populated beach. I will and would continue to frequent this beach, adjacent area and parking lot, in the future armed with a concealed firearm and with my concealed carry permit but for the enactment of SB1230 and the likely criminal prosecution;

B) I frequent Lahaina Banyan Court Park, adjacent areas and parking lot, and I have frequented it about six to twenty-four times a year to access restaurants and a cinema, and also go with my office team, in the past while carrying a concealed weapon and my permit. I will and would continue to frequent this park, adjacent areas and parking lot, in the future armed with a concealed firearm and with my concealed carry permit but for the enactment of SB1230 and the likely criminal prosecution;

C) I frequent Lahaina Aquatic Center, which is a county facility and park, adjacent areas and parking lot, and I have frequented it about two to six times a year to meet family members, visit friends, and swim, in the past while carrying a concealed weapon and my permit. I will and would continue to frequent this park, adjacent areas and parking lot, in the future armed with a concealed firearm and with my concealed carry permit but for the enactment of SB1230 and the likely criminal prosecution;

10. I have in the past regularly frequented the following areas which are, according to information and belief, restaurants that serve alcohol or intoxicating liquor as defined in section 281-1 for consumption on the

premises, and I have, in the past carried a concealed firearm with my permit in the locations referenced herein, and I intend to, as a carry concealed license holder since 2022, in the future, own, possess, and carry a firearm with my concealed carry permit in these locations and locations like them. I have every intention and desire to continue to carry my personal firearm in and at all these locations, and locations like them, in the future but I will decline to do so because of the credible fear of arrest and prosecution after July 1, 2023, the effective date of SB1230;

- A) I frequent the Alaloa Lounge, adjacent areas and parking lot, restaurant in Kapalua about once to three times a year, and I have frequented it in the past, while carrying a concealed weapon and my permit. Alaloa Lounge, I believe, sells liquor, though I do not consume any while carrying a weapon. I will and would continue to frequent this restaurant, adjacent area and parking lot, in the future armed with a concealed firearm and with my concealed carry permit but for the enactment of SB1230 and the likely criminal prosecution;
- B) I frequent Sansei restaurant and adjacent area and parking lot in Lahaina about four to six times a year, and I have frequented it in the past, while carrying a concealed weapon and my permit. Sansei, I believe, sells liquor, though I do not consume any while carrying a weapon. I will and would continue to frequent this restaurant, adjacent area and parking lot, in the future armed with a concealed firearm and with my concealed carry permit but for the enactment of SB1230 and the likely criminal prosecution;
- C) I frequent Kihei Cafe Lahaina restaurant, adjacent area and parking lot, in Lahaina, about one to two times a month, and I have frequented it in the past, while carrying a concealed weapon and my permit. This restaurant shares a parking lot with a bank, Spectrum

(my internet service provider), and a medical facility, Minit Medical Urgent Care, and the Maui County Department of Motor Vehicles). I will and would continue to frequent this restaurant, adjacent area and parking lot, in the future armed with a concealed firearm and with my concealed carry permit but for the enactment of SB1230 and the likely criminal prosecution;

11. I have in the past regularly frequented the following areas which are, according to information and belief, banks or financial institutions as defined in section 211D-1, and has in the past carried a concealed arm with my permit and intend to, as a carry concealed license holder since 2022, in the future, own, possess, and carry a firearm with my concealed carry permit in these locations and locations like them. I have every intention and desire to continue to carry my personal firearm and permit in and at all these locations, and locations like them, in the future but I will decline to do so because of the credible fear of arrest and prosecution after July 1, 2023, the effective date of SB1230;

A) I have regularly in the past about two times per month gone to First Hawaiian Bank, adjacent areas and parking lot, including specifically, but not limited to the branches at Kahana, four to six times a year, Lahaina, twenty-four to thirty-six times a year, and Kahului, four to six times a year, including the parking lot and adjacent areas. I will and would continue to frequent this bank, adjacent area and parking lot in

the future armed with a concealed firearm and with my concealed carry permit but for the enactment of SB1230 and the likely criminal prosecution;

B) I have regularly in the past about two times per month gone to Bank of Hawaii, and adjacent area and parking lot, including specifically, but not limited to the branches at Kahana, two to six times a year, Lahaina branch two to six times a year including the parking lot and adjacent areas. I will and would continue to frequent this bank, adjacent area and parking lot, in the future armed with a concealed firearm and with my concealed carry permit but for the enactment of SB1230 and the likely criminal prosecution;

12. I have in the past regularly frequented the following areas which are, according to information and belief, all other locations considered private property, not covered otherwise by HRS 134-A(a) but specifically covered under HRS 134-E that requires private property owners to “opt-in” and post signage allowing the exercise of the Second Amendment right to carry an arm for self- defense or in case of confrontation, and I have carried a concealed arm with a permit in the past and I intend to, as a carry concealed license holder since 2022, in the future, own, possess, and carry a firearm with my concealed carry



permit in these locations and similar locations. I have every intention and desire to continue to carry my personal firearm and permit in and at all these locations, and locations like them, in the future but I will decline to do so because of the credible fear of arrest and prosecution after July 1, 2023, the effective date of SB1230;

A) I have regularly in the past about two times per week gone to one of these locations, including adjacent areas and parking lots- Napili market, one to two times a week, Times Supermarket, one to four times a year, Safeway Lahaina three to six times a year, Ace Hardware one to two times a month, HPM Building Supply Lahaina one to three times a year, Lowes four to twelve times a year, Maui Laminates two to six times a year, Whaler's General store, six to twelve times a year which also shares a parking lot with both of my banks, Liberty Dialysis and Maui Brewing Company, Lahaina Gateway Center one to three times a month, as well as Ace Hardware, Kihei Café, Spectrum and all of the entities at Lahaina Gateway Center share a parking lot with the local DMV (Department of Motor Vehicles (see, <https://www.mauicounty.gov/2125/DMV-Wait-Times>, last accessed June 21, 2023, the DMV address is Lahaina Gateway Center 335 Keawe Street, Suite 209, Lahaina, Maui, HI 96761), including the

parking lot and adjacent areas, with a concealed weapon and my concealed carry permit. I will and would continue to frequent these locations in the future armed with a concealed firearm and with my concealed carry permit but for the enactment of SB1230 and the likely criminal prosecution;

13. I have in the past regularly frequented adjacent properties and parking lots of all of the above locations with a firearm concealed with my concealed carry permit and fully intend to do so again, but for the enactment of SB1230. Additionally, I have in the past regularly frequented adjacent properties and parking lots while not going to any of the above locations, such as a beach or park or bank or restaurant, but the other location shares an adjacent property or parking lot, and I have carried a concealed weapon with my concealed carry permit and I fully intend to do so again the future, but for the enactment of SB1230.

14. I have a private business and am self-employed and I have a team that works for me. I own my own business property. I have many clients. I do not want to post a sign that tells the public that they are authorized to carry a concealed weapon with a permit on my property. I do not want to post a sign that tells the public that they are not authorized to carry a concealed weapon with a permit on my property. I do not wish to be compelled to

speak, through the posting of signs related to the exercise of constitutional rights, including specifically the Second Amendment and the carrying of arms, that I either support or oppose the carrying of arms. I wish to remain neutral and I wish that my property remain neutral.

**FURTHER, DECLARANT SAYETH NAUGHT.**

I certify under penalty of perjury that the foregoing is true and correct.

Executed on June 22, 2023.

A handwritten signature in black ink, appearing to read 'Atom Kasprzycki', is written over a horizontal line.

Atom Kasprzycki

LICENSE TO CARRY CONCEALED FIREARM  
IN MAUI COUNTY ONLY

License No. [REDACTED] Issued Sept., 2022

**KASPRZYCKI, Atom**

whose photograph, thumbprint, and description are on the reverse hereof, is  
hereby granted a license pursuant to Section 134-9 HRS, to carry the following  
firearm:

Caliber: [REDACTED] Manufacturer: [REDACTED]

Serial No.: [REDACTED] Type: [REDACTED]

  
Chief of Police

This license becomes VOID at the expiration of one year from issue date.

LICENSE TO CARRY CONCEALED FIREARM  
IN MAUI COUNTY ONLY

License No. [REDACTED] Issued Sept., 2022

**KASPRZYCKI, Atom**

whose photograph, thumbprint, and description are on the reverse hereof, is  
hereby granted a license pursuant to Section 134-9 HRS, to carry the following  
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Caliber: [REDACTED] Manufacturer: [REDACTED]

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